



Office of the
BOARD OF SELECTMEN
ABBOT HALL
188 Washington Street
MARBLEHEAD, MASSACHUSETTS 01945

Jackie Belf-Becker, Chair
Harry C. Christensen Jr.
M. C. Moses Grader
Judith R. Jacobi
James E. Nye

Jason Silva
Town Administrator

December 12, 2018

Chairman Ajit Pai
Commissioner Michael O’Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: MB Docket No. 05-311. Second Further Notice of Proposed Rulemaking:
Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended
by the Cable Television Consumer Protection and Competition Act of 1992

Honorable Chairman Pai and Commissioners O’Rielly, Carr, and Rosenworcel:

The Town of Marblehead, Massachusetts, through its Board of Selectmen, strongly opposes the Further Notice of Proposed Rulemaking (FNPRM), which proposes to allow cable companies to deduct the fair market value for a wide range of public benefits from their franchise fee obligations, namely public, educational, and government (PEG) channel capacity and transmission.

This proposal would potentially alter, at cable operators’ discretion, the terms of the governing agreements between Local Franchising Authorities (LFA) and cable operators. If adopted, there will be significant reductions in cable franchise fees, depending on how the “fair market” value for PEG capacity and transmission is calculated within any given jurisdiction. The “fair market value” of such services may be impossible to discern and would likely be a source of litigation between cable operators and local governments. PEG programming would be severely limited, if not altogether eliminated.

Our citizens watch Marblehead TV (MHTV) to monitor local government proceedings, and consume truly local programming. MHTV serves as an educational resource in our community, training residents ages 8 – 80 on how to create television that is uniquely relevant to our community. The potential loss of this public benefit alone should be concerning enough for the FCC to reject this FNPRM.

Telephone (781) 631-0000 Fax (781) 631-8571

This issue is of particular importance to the Town of Marblehead as MHTV is recognized as a regional, state and national leader. MHTV has been recognized as such in several ways:

- MHTV has been presented the national "Overall Excellence" award (in our budget category) from the Alliance for Community Media 5 years in a row.
- MHTV has been presented the regional "Overall Achievement" award (in our budget category) 6 times.
- This year alone, MHTV received 10 regional awards for our programming - including Sports, Government/Municipal programming, Youth Programming, News, Event Coverage, Science, Health & Spirituality, and Arts.

In addition, the FNPRM further threatens the use of local right of ways for non-cable related purposes. Local governments may lose their authority to manage a cable company's deployment of non-cable facilities, such as "small cells." As a result,


- Cable companies could potentially install "small wireless facilities" with little to no public input, without having to meet any aesthetic or equipment size requirements aimed to mitigate blight and preserve community character.
- Cable companies could use local rights of way for any purpose, regardless of the terms of the franchise, and avoid having to pay fair compensation to the local government for the use of publicly funded assets in the rights of way

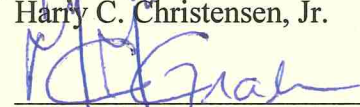
For these reasons, the Town of Marblehead opposes the FNPRM and respectfully urges the FCC to reject the deterioration of PEG services and fair use of the public right-of-way.

Very truly yours,

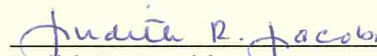


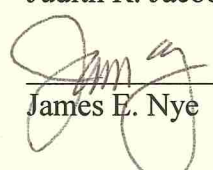
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